

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13144, of Elliot Street Associates, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot width and lot area requirements (Sub-section 3301.1) and to allow a proposed subdivision (Sub-section 1302.2) for a proposed subdivision and conversion of an existing apartment house into three row dwellings in an R-4 District at the premises 614-618 Ellicot Street, N.E., (Square 1028, Lots 818 and 825).

HEARING DATE: January 16, 1980

DECISION DATE: January 16, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The application was amended at the public hearing to reflect the true name of the applicant as Elliot Street Associates rather than Elliot Street Association as it had been filed and advertised.

2. The subject property is located on the west side of Elliot Street between Maryland Avenue and F Street, N.E. and is known as 614-618 Elliot Street, N.E. It is in an R-4 District.

3. The subject site is improved with a two story apartment house with rear screen porch additions containing eight dwelling units. The improvements are vacant. They have been gutted. The improvements were constructed about 1942.

4. The applicant proposes to subdivide the lots and to convert the apartment house into three row dwellings and sell the units in fee simple.

5. To the north of the subject property is Maryland Avenue followed by occupied single family row houses. To the east is Elliot Street followed by single family row houses. To the south is F Street followed by more single family row houses and apartment buildings. To the west is a twenty foot wide public alley followed by a large Baptist Church and several single family row houses to the further west.

6. The conversion will include removal of staircases, the erection of party walls within each and a provision for an interior staircase on each side of the party wall. It will also include one off-street parking space for each dwelling unit.

7. The interior layout of each of the proposed dwelling units will consist of a living room, dining room, family room and kitchen and a half bath on the first floor and three bedrooms and two full baths on the second floor.

8. The subject lots were originally three seventeen foot wide building lots. They were subdivided. A rear section of the lots, Lot 816, was improved with a garage and the subject apartment house was constructed on the front of the lots. The subject apartment house occupies approximately fifty-four percent of Lot 825.

9. Sub-section 3301.1 of the Zoning Regulations requires that a row dwelling in an R-4 District have a minimum lot area of 1,800 square feet and a minimum lot width of eighteen feet.

10. The applicant seeks a variance of 180.5 square feet from the lot area requirements and 1.32 feet from the lot width requirements for the proposed dwelling at 614 Elliot Street and a lot area variance of 168 square feet and a lot width variance of one foot for the proposed dwelling at 616 Elliot Street dwelling. No area variances are required for the proposed dwelling at 618 Elliot Street.

11. Both the east and west sides of the subject Elliot Street are undergoing restoration.

12. The Capitol Hill Restoration Society by letter of January 15, 1980 recommended that the application be approved. It stated as follows:

"The Capitol Hill Restoration Society supports these variance applications. Although the applicant could subdivide the existing structure into two single family homes, and comply with the Zoning Regulations, the Society believes that requiring it to do so would result in significant practical difficulty. The majority of the homes on Elliot Street where the the property is located, are less then seventeen feet wide. If the applicant converted the apartment house to only two homes, each house would be approximately twenty-five feet wide. Such wide houses would be inconsistent with the surrounding neighborhood.

Members of the Zoning Committee spoke with several neighbors who either had no objection to the variances or supported them. One neighbor expressed a preference for the construction of two, rather than three, homes because she believed that two homes would be better constructed than three and would sell more easily. The Society does not believe that the number of houses will control the quality of construction or marketability of the homes. In addition, the Society does not believe the neighborhood would be well served by having two houses that are unusually wide. Finally, the Society does not consider housing design to be a zoning issue.

Because the Society finds that the applicant's proposal reflects an effort to develop housing consistent with the character of the neighborhood in which the property is located, and to make productive use of an existing structure, the Society urges the Board of Zoning Adjustment to grant the variance applications."

Other than the comment that housing design is not a zoning issue, the Board concurs with the recommendation of the CHRS.

13. There were some twenty-five signatures on a petition from residents on Elliot Street in favor of the application.

14. There was no objection to the application.

15. Advisory Neighborhood Commission - 6A made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the variances requested are area variances, the granting of which requires a showing of a practical difficulty stemming from the property itself: The Board notes that lot 825 is fifty-one feet wide and that it is already improved with a structure. The applicant proposes to make use of the existing structure by converting it into three row dwellings. The Board concludes that the narrowness of lot 825 and the presence of a structure upon it constitutes the practical difficulty. In addition, the Board concludes that the variances are minimal. The Board further notes that the lot width conforms to the other existing lots on the same street.

Findings No. 11, 12 and 13 reflect the community support for the application. The Board also notes that parking will be on-site in the proposed construction thus relieving any on-street parking impact. The Board concludes that the variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Regulations. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (John G. Parsons, William F. McIntosh, Charles R. Norris and Leonard L. McCants to GRANT; Connie Fortune not present not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 19 FEB 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.